

Unanticipated Discovery Plan for Cultural Resources Old American Zinc Plant Superfund Site, Saint Clair, and Madison Counties, Illinois

WA No. 224-RDRD-B5A1/Contract No. EP-S5-06-01

Prepared for



July 2018



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Acronyms and Abbreviations

CH2M	CH2M HILL Engineers, Inc.
Council	Advisory Council on Historic Preservation
EPA	Environmental Protection Agency
IHPA	Illinois Historic Preservation Agency
NHPA	National Historic Preservation Act
NPS	National Park Service
NRHP	National Register of Historic Places
OAZ	Old American Zinc
QPA	Qualified Professional Archeologist
UDP	Unanticipated Discovery Plan

Unanticipated Discovery Plan

Section 106 of the National Historic Preservation Act (NHPA) is identified in the U.S. Environmental Protection Agency (EPA) 2012 Record of Decision for the Old American Zinc (OAZ) Surrounding Properties Superfund Site as an applicable or relevant and appropriate requirement, because of the nearby presence of the Cahokia Mounds State Historic Site, which is a National Historic Landmark and UNESCO World Heritage Site. The site is also listed as a historic property on the National Register of Historic Places (NRHP). A portion of the project area overlaps the boundary of Cahokia, as mapped by the Illinois Historic Preservation Agency (IHPA) and the NRHP. For EPA to meet the requirements of Section 106 of the NHPA, as defined in the Advisory Council on Historic Preservation (Council) regulations "Protection of Historic Properties" (36 Code of Federal Regulations Part 800), the EPA has developed the following Unanticipated Discovery Plan (UDP) for use during soil sampling and related excavation of their OAZ Surrounding Properties Remediation Project in Saint Clair County and Madison County, Illinois. This UDP will be implemented should new or additional historic properties be encountered during soil sampling, related excavation, and other ongoing activities on the proposed project (undertaking). This UDP has been developed through reference to the regulations embodied in the "Protection of Historic Properties" issued by the Council (revised August 2004, www.achp.gov/regs-rev04.pdf). EPA and its cultural resources consultant, CH2M HILL Engineers, Inc. (CH2M), reviewed Illinois legislation (Illinois Compiled Statutes, Sections 3410, 3420, 3435, and 3440), which was used in the development of this UDP.

Termed "unanticipated discovery" or "post-review discovery," the identification of new or additional cultural resources during implementation of an undertaking typically occurs in the case of projects that involve excavation or ground-disturbing activities.

1.1 PROCEDURE WHEN CULTURAL MATERIALS ARE OBSERVED

The following measures will be implemented should an unanticipated cultural resource discovery be made by EPA, CH2M, any other contractor, or any subcontractor during construction of the proposed undertaking:

1. Soil sampling or related excavation activities within the immediate area of an unanticipated discovery will be halted ("immediate area" is a context-specific measure; however, roughly 30 to 50 feet is generally adequate, although special attention should be given to the possible extension of a new find beyond this buffer zone), and the discovery protected from further disturbance.
2. EPA will notify their cultural resources consultant (CH2M), who will notify by telephone the National Park Service (NPS) and IHPA and, in the case of human remains, the County Coroner and Sheriff. These notifications will take place within 24 hours of an unanticipated discovery.
3. Specific NPS and IHPA instructions concerning an unanticipated discovery resulting from the notification as previously described will be followed by a Qualified Professional Archaeologist (QPA), listed with the IHPA, although at a minimum sufficient archaeological work will be performed on the unanticipated discovery location to stabilize deposits, protect deposits from scavengers or looters, and to collect readily available samples (for example, for radiocarbon dating), which may help pinpoint the age of deposits.
4. EPA will consult with the NPS and IHPA on the most appropriate course of action for treatment of the unanticipated discovery. This may involve further archaeological study or consultation with

Native American groups or other parties with established cultural affiliation. Construction activities will remain halted in the area of the unanticipated discovery until the EPA and the IHPA indicate to CH2M that it may proceed in the area of a specific unanticipated discovery.

In the case of an unanticipated discovery of human remains, EPA and CH2M propose to follow all relevant state and federal law, and recommendations regarding treatment of human remains as referenced above. EPA recognizes the importance of providing careful and respectful treatment for human remains recovered as an unanticipated discovery or as part of an archaeological investigation. In the event of an unanticipated discovery of human remains, EPA will consult with the NPS and IHPA as to the appropriate federally recognized tribes or other groups with which to consult. In coordination with the NPS, the IHPA, and other interested parties, a decision will be made for the treatment of the remains (for example, reburial, preservation in place, scientific study, sacred ritual, or a combination thereof). This protocol includes the following:

1. Should human remains be encountered, work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from damage and disturbance. During sampling, the area would be marked off with some clear evident means, such as flagging or tape. During removals, construction fencing would be installed.
2. Human remains or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
3. The county coroner and medical examiner, local law enforcement, the NPS, the IHPA, and appropriate Indian tribes will be notified immediately. The coroner and local law enforcement will make the official ruling on the nature of the remains, being either forensic or archaeological.
4. If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. The EPA will consult with the NPS, IHPA, and federally recognized tribal groups to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act guidance.
5. If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated in consultation with the NPS, the IHPA, and other appropriate parties. Historic research and consultation with local authorities and historic experts will be conducted by a QPA to try to determine the possible identity and affiliation of the remains and determine if there are any lineal descendants who should be consulted concerning the treatment of the remains. Notice of the discovery will be published in local media outlets for at least 3 days to assist in identification of lineal descendants.

Contact List

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